

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

VOLUME 24NUMBER 231

Washington, Thursday, November 26, 1959

## Title 3—THE PRESIDENT

Order of November 24, 1959

**TO HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES AND INDEPENDENT ESTABLISHMENTS AUTHORIZING THAT FEDERAL EMPLOYEES IN THE STATE OF HAWAII BE EXCUSED FROM DUTY ON FRIDAY, NOVEMBER 27, 1959**

Employees of the several executive departments, independent establishments, and other governmental agencies in Hawaii, including the General Accounting Office, the Government Printing Office, and the field services of the respective departments, establishments, and agencies of the Federal Government in the State of Hawaii, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty all day Friday, November 27, 1959, the day which has been designated by the Governor for the celebration of the admission of the State of Hawaii into the Union; and such period shall be considered a holiday within the meaning of Executive Order No. 10358 of June 9, 1952, and of all statutes so far as they relate to the compensation and leave of employees of the United States.

This order shall not be construed as excusing from duty those employees of the Department of State, the Department of Defense, or other departments, establishments, or agencies who for national security or other public reasons should, in the judgment of the respective heads thereof, be at their posts of duty.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,  
November 24, 1959.

[F.R. Doc. 59-10055; Filed, Nov. 25, 1959; 10:54 a.m.]

## Title 7—AGRICULTURE

**Chapter 1—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture**

**SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT**

**PART 55—GRADING AND INSPECTION OF EGG PRODUCTS**

### Miscellaneous Amendments

Notice of a proposed amendment to the regulations governing the grading and inspection of egg products (7 CFR Part 55) was published in the *FEDERAL REGISTER* on October 1, 1959 (24 F.R. 7899). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The amendment changes the basis of charging for appeal inspections, prohibits the reuse of egg products containers which bear official identification unless the marks are obliterated; and a clarification amendment to the provisions relating to laboratory tests which are made when frozen egg products other than those produced in official plants are inspected. The amendment hereinafter set forth is essentially the same as was published in the aforesaid notice except that modification has been made with respect to the basis for charges for appeal gradings.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective thirty (30) days after publication in the *FEDERAL REGISTER*.

The amendment is as follows:

1. Add a new § 55.32 to read:

**§ 55.32 Report of violations.**

Each grader, inspector, and sampler shall report, in the manner prescribed by the Administrator, all violations and noncompliance under the Act and this

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# FEDERAL REGISTER

REpublic 7-7500

Extension 3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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part of which such grader, inspector, or sampler has knowledge.	
2. Add a new § 55.33 to read:	
§ 55.33 Reuse of containers bearing official identification prohibited.	
The reuse, by any person, of containers bearing official identification is prohibited. Such containers may be reused if, prior to reuse, the official identification is removed, defaced, or obliterated.	
3. Change § 55.41 to read:	
§ 55.41 Products not eligible for official identification.	
Egg products which are prepared in nonofficial plants shall not be officially identified. However, such products may be inspected organoleptically and by laboratory analyses and covering certificates issued setting forth the results of the inspection. Such certificates shall apply only to samples examined and shall include a statement that the product was produced in a nonofficial plant. Frozen whole eggs will be drilled and examined organoleptically and if the product appears to be satisfactory, samples will be taken for laboratory analyses. The samples shall be examined for direct microscopic bacteria count and for the presence of acetic and lactic acid. Frozen whole eggs shall be considered unsatisfactory if they contain acetic acid in any measurable quantity or if they contain lactic acid in excess of 7 milligrams per 100 grams of egg in combination with a direct microscopic bacteria count of 5,000,000 or more per gram of egg. The bacteriological analysis shall be made in accordance with the methods prescribed in Standard Methods for the Examination of Dairy Products of the American Public Health Association. The chemical analyses shall be made in accordance with the methods prescribed in Official Methods of Analysis of the Association of Official Agricultural Chemists.	

## 4. Change § 55.62 to read:

## § 55.62 Fees for appeal grading.

(a) The fee to be charged for any appeal on an organoleptic test of frozen egg products shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That the fee for any appeal on an organoleptic test of frozen egg products requested by the United States, or any agency or instrumentality thereof, shall be the same as set forth in the grading certificate from which the appeal is taken. If the fee on the certificate covering an organoleptic test, from which the appeal is taken is based on the provisions of § 55.68, then the fee for such appeal shall be double the amount specified in § 55.65(a) (1) for the applicable volume of product appeal graded. If the result of any such appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

(b) The fee to be charged for any appeal grading other than as provided in paragraph (a) of this section shall be based on the time required to perform such appeal grading and the travel of each sampler, grader or inspector at the rate of \$5.00 per hour for the time actually required.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624; 19 F.R. 74)

Issued at Washington, D.C., this 23d day of November 1959.

Roy W. LENNARTSON,  
Deputy Administrator,  
Agricultural Marketing Service.

[F.R. Doc. 59-10013; Filed, Nov. 25, 1959; 8:48 a.m.]

## Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

### SUBCHAPTER F—ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 842.2, Supp. 2]

#### PART 842—BEET SUGAR AREA

##### Approved Areas for 1958 Crop

#### § 842.4 Approved areas for the 1958 crop.

(a) For purposes of considering eligibility for abandonment and crop deficiency payments on 1958-crop sugar beets, the respective Agricultural Stabilization and Conservation county committees have determined with respect to the following counties and local producing areas that due to drought, flood, storm, disease, freeze or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugar beets on farms in such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugar beets planted on all farms in such county or local producing area.

(1) *California.**Entire counties*

Alameda.	Sacramento.
Butte.	San Benito.
Colusa.	San Joaquin.
Contra Costa.	San Luis Obispo.
Fresno.	Santa Barbara.
Glenn.	Santa Clara.
Kern.	Santa Cruz.
Kings.	Solano.
Los Angeles.	Sutter.
Madera.	Tehama.
Merced.	Tulare.
Monterey.	Ventura.
Orange.	Yolo.
Riverside.	Yuba.

(2) *Colorado.**Entire counties*

Adams.	Las Animas.
Alamosa.	Mesa.
Arapahoe.	Montrose.
Baca.	Morgan.
Bent.	Otero.
Delta.	Prowers.
Garfield.	Sedgwick.
Kit Carson.	

*Individual local producing areas**County and areas*

Boulder: T3N, R69W; T3N, R70W.  
 Larimer: T4N, R69W; T7N, R69W; T7N, R68W; T8N, R69W; T9N, R68W; T6N, R68W; T5N, R68W.  
 Logan: T7N, R52W; T7N, R53W; T9N, R51W; T9N, R52W.  
 Pueblo: T18S, R64W; T21S, R63W; T21S, R64W; T19S, R65W; T20S, R63W; T20S, R64W.  
 Weld: T4N, R66W; T1N, R66W; T3N, R67W; T1N, R67W; T2N, R67W; T4N, R63W; T6N, R63W; T2N, R63W; T5N, R65W; T6N, R64W; T2N, R68W; T6N, R65W; T1N, R65W; T2N, R65W; T5N, R66W; T4N, R67W; T7N, R64W; T7N, R65W; T2N, R64W; T4N, R64W; T7N, R67W; T4N, R68W; T3N, R68W; T3N, R61W; T7N, R65W; T2N, R64W; T4N, R64W; T7N, R65W; T2N, R66W; T3N, R66W; T6N, R66W; T7N, R66W; T6N, R67W.

(3) *Idaho.**Entire counties*

Bannock.	Fremont.
Franklin.	Oneida.

*Individual local producing areas**County and Area*

Bingham: T1S, R32E; T1S, R34E; T2S, R32E; T2S, R33E; T2S, R36E; T3S, R32E; T4S, R31E; T4S, R32E; T4S, R35E; T5N, R30E.  
 Canyon: T5N, R3W.  
 Cassia: T9S, R24E; T9S, R25E; T10S, R25E; T12S, R22E; T13S, R22E.  
 Gem: T7N, R3W.  
 Madison: T4N, R40E; T6N, R39E.  
 Minidoka: T7S, R24E; T7S, R25E; T8S, R26E; T9S, R24E; T10S, R22E; T10S, R24E.  
 Twin Falls: T9S, R17E; T10S, R14E; T11S, R19E; T11S, R20E.

(4) *Illinois.**Entire counties*

McHenry.

*Individual local producing areas**County and areas*

Cook: Hanover.

(5) *Indiana.*

None.

(6) *Iowa.**Entire counties*

Cerro Gordo.	Winnebago.
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(7) *Kansas.**Entire counties*

Kearny.	Wallace.
Scott.	Wichita.

*Individual local producing areas**County and areas*

Finney: T24S, R33W; T23S, R34W.  
 Sherman: Smoky.

(8) *Michigan.**Entire counties*

Arenac.	Macomb.
Cilinton.	Mecosta.
Eaton.	Midland.
Gladwin.	Montcalm.
Gratiot.	St. Clair.
Ingham.	Sanilac.
Ionia.	Shiawassee.
Isabella.	Tuscola.
Lapeer.	Washtenaw.

*Individual local producing areas**County and areas*

Bay: Frankenlust, Fraser, Gibson, Hampton, Kawkawlin, Merritt, Monitor, Pinconning, Portsmouth, and Williams.  
 Huron: Bloomfield, Brookfield, Caseville, Chandler, Colfax, Fairhaven, Lake, McKinley, Oliver, Rubicon, Sand Beach, Sebawaing, Sheridan, Sherman, Sigel, and Winsor.  
 Jackson: Henrietta and Waterloo.  
 Lenawee: Fairfield and Ogden.  
 Monroe: Erie, Monroetown, and Whiteford.

(9) *Minnesota.**Entire counties*

Carver.	Martin.
Dakota.	Redwood.
Jackson.	Wilkin.
Kittson.	

*Individual local producing areas**County and areas*

Clay: Georgetown, Kragnes, and Alliance.  
 Faribault: Minnesota Lake.  
 Freeborn: Oakland.  
 Marshall: Big Woods, Boxville, Sinnott, Vega, and Warrenton.  
 Norman: Halstad and Lake Ida.  
 West Polk: Crookston, Esther, Farley, Higdem, Rhinehart, and Tabor.

(10) *Montana.**Entire counties*

Big Horn.	Lewis and Clark.
Broadwater.	Yellowstone.
Lake.	

*Individual local producing areas**County and areas*

Carbon: T2S, R24E; T3S, R23E; T3S, R24E.  
 Missoula: T13N, R19W.

(11) *Nebraska.**Entire counties*

Dawes.	Kearny.
Dawson.	Lincoln.
Deuel.	Morrill.
Hall.	Scotts Bluff.
Hamilton.	Sioux.

*Individual local producing areas**County and areas*

Box Butte: T26N, R50W.  
 Buffalo: T10N, R13W; T9N, R15W; T8N, R15W.  
 Furnas: Edison; T4N, R22W.  
 Phelps: Garfield; T7N, R20W.

## RULES AND REGULATIONS

## (12) Nevada.

*Entire counties*

Churchill.

## (13) New Mexico.

*Entire counties*

None.

## Individual local producing areas

*County and areas*

Torrance: T8N, R8E.

## (14) North Dakota.

*Entire counties*

Pembina.

Grand Forks.

## Individual local producing areas

*County and area*

Cass: Warren.

## (15) Ohio.

*Entire counties*

Allen.	Putnam.
Hancock.	Van Wert.
Hardin.	Wood.
Henry.	Wyandot.
Ottawa.	

## Individual local producing areas

*County and areas*

Champaign: Salem.  
 Erie: Perkins.  
 Fulton: York.  
 Sandusky: Woodville, Rice, Washington,  
 and Jackson.  
 Seneca: Hopewell, Jackson, Liberty, and  
 London.

## (16) Oregon.

*Entire counties*

Umatilla.

## Individual local producing areas

*County and areas*

Malheur: T15S, R46E; T15S, R47E; T18S,  
 R43E; T23S, R47E.

## (17) South Dakota.

*Entire counties*

Butte. Custer.

## (18) Texas.

*Entire counties*

Deaf Smith.

## Individual local producing areas

*County and areas*

Farmer: Community B.

## (19) Utah.

*Entire counties*

Box Elder.	Millard.
Cache.	Salt Lake.
Carbon.	Sanpete.
Davis.	Sevier.
Emery.	Utah.
Juab.	Weber.

## (20) Washington.

*Entire counties*

Benton. Walla Walla.

## Individual local producing areas

*County and areas*

Franklin: T10N, R29E; T11N, R29E.

## (21) Wisconsin.

*Entire counties*

Dodge.	Jefferson.
Fond du Lac.	Milwaukee.

## Individual local producing areas

*County and areas*

Calumet: Rantoul, Woodville, and Chilton.  
 Juneau: Lindina.  
 Kewaunee: Pierce.  
 Manitowoc: Two Rivers, Two Creeks, and  
 Kossuth.  
 Outagamie: Vandenberg.  
 Racine: Dover.  
 Washington: Jackson and Wayne.  
 Waukesha: Lisbon.

## (22) Wyoming.

*Entire counties*

Converse. Sheridan.

## Individual local producing areas

*County and areas*

Big Horn: T49N, R92W; T51N, R93W; T51N,  
 R94W; T53N, R92W; T56N, R95W; T56N,  
 R96W; T57N, R96W; T57N, R97W.  
 Goshen: T22N, R62W; T24N, R62W.

*Statement of bases and considerations.*  
 One of the conditions for eligibility of a farm for acreage abandonment or crop deficiency payments is that the farm is located in a county or local producing area in which the Agricultural Stabilization and Conservation county committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugar beet crop.

The purpose of this supplement is to give notice that specific counties and local producing areas have qualified under the requirements with respect to the 1958 crop of sugar beets and that any sugar beet producer operating a farm located in any one of these counties or local producing areas which is otherwise qualified may apply for payment accordingly (not later than December 31, 1960), if he has not already done so.

LAWRENCE MYERS,  
 Director, Sugar Division,  
 Commodity Stabilization Service.

NOVEMBER 6, 1959.

[F.R. Doc. 59-10014; Filed, Nov. 25, 1959;  
 8:48 a.m.]

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 172]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is

hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 19, 1959.

*Order.* (1) During the period beginning at 12:01 a.m., P.s.t., November 29, 1959, and ending at 12:01 a.m., P.s.t., September 25, 1960, no handler shall handle any navel oranges, grown in District 2, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 23, 1959.

S. R. SMITH,  
 Director, Fruit and Vegetable  
 Division, Agricultural Market-  
 ing Service.

[F.R. Doc. 59-10012; Filed, Nov. 25, 1959;  
 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-103]

[Amdt. 90]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 102]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

#### Modification of Federal Airway and Associated Control Areas

On September 4, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 7166) stating that the Federal Aviation Agency was considering an amendment to §§ 600.6194 and 601.6194 of the regulations of the Administrator which would designate a north alternate and modify a segment of VOR Federal airway No. 194 between Charlotte, N.C., and Raleigh, N.C., and would designate a south alternate on the segment between Cofield, N.C., and Norfolk, Va.

As stated in the Notice, Victor 194 presently extends from Lafayette, La., to Norfolk, Va. The Federal Aviation Agency is designating a north alternate and modifying the segment between Charlotte and Raleigh, and designating a south alternate on the segment between Cofield and Norfolk. Subsequent to the publication of the notice, the name of the Charlotte VOR was changed to Fort Mill, S.C., VOR. The designation of a north alternate to this airway between Fort Mill and Raleigh will provide a means for expediting air traffic between these terminals when heavy traffic volume exists on Victor 194. The modification of the main segment of this airway between Fort Mill and Raleigh via the Fort Mill VOR 069° and the Raleigh VOR 240° radials will provide sufficient angular divergence between Victor 194 and the segment of VOR Federal airway No. 454 between Fort Mill and Lawrenceville, Va., VOR which is being concurrently designated in Airspace Docket No. 59-WA-101. This will permit the use of these airways separately, as arrival and departure routes for the Charlotte area. The designation of a south alternate to this airway between Cofield and Norfolk will provide a south departure route for aircraft departing airports located within the Norfolk terminal area.

Such action will result in Victor 194 and its associated control areas extending from Lafayette to Meridian, Miss., and from Homer, Ga., intersection to Norfolk; to include an additional north

alternate from the Fort Mill VOR to the Raleigh VOR, via an intermediate VOR to be installed in March 1960 near Liberty, N.C., at latitude 35°48'18" N., longitude 79°37'21" W.; and a south alternate from the Cofield VOR to the Norfolk VOR, via the intersection of the Cofield VOR 084° and the Norfolk VOR 209° radials. Coincident with this action, the text of § 601.6194 pertaining to control areas for Victor 194 is amended to reflect the above changes to the airway.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6194 (14 CFR, 1958 Supp., 600.6194, 24 F.R. 3871) and § 601.6194 (14 CFR, 1958 Supp., 601.6194, 24 F.R. 3874) are amended as follows:

1. Section 600.6194 *VOR Federal airway No. 194 (Lafayette, La., to Norfolk, Va.)*:

a. In the caption delete "(Lafayette, La., to Norfolk, Va.)" and substitute therefor "(Lafayette, La., to Meridian, Miss., and Homer, Ga., to Norfolk, Va.)"

b. In the text delete "Charlotte, N.C., omnirange station; Raleigh, N.C., VOR; Rocky Mount, N.C., VOR, including a north alternate via the INT of the Raleigh VOR 037° and the Rocky Mount VOR 283° radials; Cofield, N.C., VOR; to the Norfolk, Va., VOR." and substitute therefor "Fort Mill, S.C., VOR; INT of the Fort Mill VOR 069° and the Raleigh VOR 240° radials; Raleigh, N.C., VOR, including a N alternate from the Fort Mill VOR to the Raleigh VOR via the Liberty, N.C., VOR; Rocky Mount, N.C., VOR, including a N alternate via the INT of the Raleigh VOR 037° and the Rocky Mount VOR 283° radials; Cofield, N.C., VOR; to the Norfolk, Va., VOR, including a S alternate via the INT of the Cofield VOR 084° and the Norfolk VOR 209° radials."

2. Section 601.6194 *VOR Federal airway No. 194 control areas (Lafayette, La., to Norfolk, Va.)*:

a. In the caption delete "(Lafayette, La., to Norfolk, Va.)" and substitute therefor "(Lafayette, La., to Meridian, Miss., and Homer, Ga., to Norfolk, Va.)"

b. In the text delete "a north alternate" and substitute therefor "N alternates and a S alternate."

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 19, 1959.

GEORGE S. CASSADY,  
Acting Director,  
Bureau of Air Traffic Management.

[F.R. Doc. 59-9981; Filed, Nov. 25, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-84]

[Amdt. 95]

## PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 107]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

#### Extension of Federal Airway and Associated Control Area

On August 8, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 6396) stating that the Federal Aviation Agency was considering an amendment to §§ 600.6054 and 601.6054 of the regulations of the Administrator which would extend VOR Federal airway No. 54 from Charlotte, N.C., to Pinehurst, N.C.

As stated in the Notice, Victor 54 presently extends from Quitman, Tex., to Charlotte. Subsequent to publication of the Notice, Charlotte VOR was renamed Fort Mill, S.C., VOR. The Federal Aviation Agency is extending Victor 54 from the Fort Mill VOR to the Pinehurst VOR via the intersection of the Fort Mill VOR 069° and the Pinehurst 281° radials. Victor 54 will coincide with VOR Federal airway No. 194 (Docket 59-WA-103, which modified this segment of V-194, will be effective concurrently with this action) for approximately 60 miles northeast of Fort Mill VOR.

This airway will provide an airway system for aircraft operating between the Charlotte and Pinehurst terminals and also serve aircraft operating over Charlotte to or from airports in the Fayetteville/Pope AFB, N.C., area. Victor 54 and its associated control areas is hereby extended from the Fort Mill VOR to the Pinehurst VOR. Coincident with this action, the caption to § 601.6054, relating to the control areas for Victor 54, is amended.

Only one comment was received concerning the proposed amendment. The Air Transport Association of America objected to the alignment of Victor 54 as proposed in the Notice and stated they could see no necessity for Victor 54 coinciding with Victor 194 for approximately 60 miles northeast of Fort Mill. The Association further suggested that the extension of Victor 54 be aligned from Fort Mill to Pinehurst via the Fort Mill VOR 084° and the Pinehurst VOR 253° radials. It was stated by the Association that this alignment would provide a standard 15° track divergence and at the same time establish a more direct route resulting in decreased airway distance approximating 3 miles. Additionally, it was stated, that this reduction in airway mileage would save 9,000 miles annually for aircraft operated by Piedmont Airlines between Charlotte and Fayetteville.

A Federal Aviation Agency peak-day survey for calendar year 1958, showed 12 aircraft movements between Fort Mill and the Fayetteville area. The Federal Aviation Agency is of the opinion that this amount of traffic does not warrant the designation of a new airway when a segment of an adjacent airway may be used without any undue restrictions; in this case Victor 194. Should future surveys show an increase in traffic over the segment in question, a modification of Victor 54 will be considered.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted; and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), §§ 600.6054 and 601.6054 (14 CFR 1958 Supp., 600.6054, 601.6054) are amended as follows:

1. Section 600.6054 *VOR Federal airway No. 54 (Quitman, Tex., to Charlotte, N.C.)*:

a. In the caption delete "(Quitman, Tex., to Charlotte, N.C.)" and substitute therefor "(Quitman, Tex., to Pinehurst, N.C.)".

b. In the text delete "to the Charlotte, N.C., omnirange station." and substitute therefor "Fort Mill, S.C., VOR; via the INT of the Fort Mill 069° and the Pinehurst 281° radials to the Pinehurst, N.C., VOR."

2. Section 601.6054 *VOR Federal airway No. 54 control areas (Quitman, Tex., to Charlotte, N.C.)*: In the caption delete "(Quitman, Tex., to Charlotte, N.C.)" and substitute therefor "(Quitman, Tex., to Pinehurst, N.C.)".

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 19, 1959.

GEORGE S. CASSADY,  
Acting Director,  
Bureau of Air Traffic Management.

[F.R. Doc. 59-9982; Filed, Nov. 25, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-395]

[Amdt. 128]

## PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

### Modification of a Control Area Extension

The purpose of this amendment to § 601.1272 of the regulations of the Administrator is to modify the description of the Baltimore, Md., control area extension.

In Airspace Docket No. 59-WA-34, effective concurrently with this action, the southern boundary of the Aberdeen, Md., Restricted Area (R-54) is modified to coincide with the northern edge of VOR Federal airway No. 44. The modification of R-54 revokes the portion of the restricted area which conflicted with the Baltimore control area extension. Therefore, all reference to the Aberdeen Restricted Area (R-54), as well as the reference to the Edgewood Arsenal Restricted Area (R-82) which is no longer in existence, is being deleted from the description of the Baltimore control area extension.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1272 (14 CFR 1958 Supp., 601.1272) is amended to read:

§ 601.1272 Control area extension (Baltimore, Md.).

The airspace within a 15-mile radius of the Baltimore VOR. The portion of this control area extension which lies within the Camp Springs, Md. (Andrews AFB) Restricted Area/Military Climb Corridor (R-542) shall be used only after obtaining prior approval from the controlling agency.

This amendment shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 19, 1959.

GEORGE S. CASSADY,  
Acting Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 59-9983; Filed, Nov. 25, 1959; 8:45 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 121—FOOD ADDITIVES

#### Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

##### SUBSTANCES THAT ARE GENERALLY RECOGNIZED AS SAFE

##### Correction

In F.R. Doc. 59-9820, appearing at page 9368 of the issue for Friday, November 20, 1959, under the heading "Nutrients" in § 121.101, the word "Copherols" should be listed in its proper alphabetical order.

## Title 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### SUBCHAPTER P—MINING

#### PART 171—LEASING OF TRIBAL LANDS FOR MINING

#### PART 172—LEASING OF ALLOTTED LANDS FOR MINING

#### PART 173—LEASING OF LANDS IN CROW INDIAN RESERVATION, MONTANA, FOR MINING

#### PART 176—LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

#### Suspension of Operations and Production on Mining Leases of Indian Trust Land Other Than Oil and Gas

On page 4215 of the FEDERAL REGISTER of May 26, 1959, there was published a notice of proposed rule making to add new sections to the subject parts. The purpose of the additions is to expedite action in authorizing suspension of operations and production on mining leases of Indian trust land other than oil and gas.

Interested persons were given an opportunity to submit their comments, suggestions or objections in writing to the Commissioner, Bureau of Indian Affairs, Washington 25, D.C., within 30 days from the date of publication of notice in the FEDERAL REGISTER. No objections were received to the purpose of the amendments. Several suggestions were submitted all of which point out that the proposed regulations should provide that the shutdown permits be conditioned upon obtaining the prior consent of the Indian lessors. It was also suggested that provision be made for holding hearings upon the request of either the Indian lessor or the lessee. The suggestions have been thoroughly considered since the expiration of the 30-day period. As the result of such suggestions the new §§ 171.14a relating to the general tribal mining leases and 173.16a relating to special Crow tribal mining leases have been modified to require the consent of the tribal lessor to the granting of shutdown permits. This necessitated changing the cross reference in § 173.16a from "172.15a" to "171.14a."

The proposed amendments are hereby adopted as so changed, and are set forth below. The amendments are effective upon publication in the FEDERAL REGISTER.

FRED A. SEATON,  
Secretary of the Interior.

NOVEMBER 19, 1959.

1. A new § 171.14a is added, to read as follows:

§ 171.14a Suspension of operations and production on leases for minerals other than oil and gas.

The Secretary of the Interior or his authorized representative, after obtain-



ing the consent of the tribe, may authorize suspension of operating and producing requirements on mining leases for minerals other than oil and gas whenever during the primary term of the leases, it is considered that marketing facilities are inadequate or economic conditions unsatisfactory. Applications by lessees for relief from all operating and producing requirements on such mineral leases shall be filed in triplicate, in the office of the Regional Mining Supervisor of the Geological Survey and a copy thereof filed with the Superintendent. Complete information must be furnished showing the necessity for such relief. Suspension of operations and production shall not relieve the lessee from the obligations of continued payment of the annual rental or the minimum royalty.

2. A new § 172.15a is added to read as follows:

§ 172.15a Suspension of operations and production on leases for minerals other than oil and gas.

The Secretary of the Interior or his authorized representative may authorize suspension of operating and producing requirements on mining leases for minerals other than oil and gas whenever it is considered that marketing facilities are inadequate or economic conditions unsatisfactory. Applications by lessees for relief from all operating and producing requirements on such mineral leases shall be filed in triplicate in the office of the Regional Mining Supervisor of the Geological Survey and a copy thereof filed with the Superintendent. Complete information must be furnished showing the necessity for such relief. Suspension of operations and production shall not relieve the lessee from the obligations of continued payment of the annual rental or the minimum royalty.

3. A new § 173.16a is added to read as follows:

§ 173.16a Suspension of operations and production on leases for minerals other than oil and gas.

The provisions of § 171.14a of this subchapter are applicable to leases, under this part.

4. A new § 176.23a is added to read as follows:

§ 176.23a Suspension of operations and production on leases for minerals other than oil and gas.

The provisions of § 172.15a of this subchapter are applicable to leases under this part.

[F.R. Doc. 59-9989; Filed, Nov. 25, 1959; 8:45 a.m.]

## Title 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

#### PART 778—OVERTIME COMPENSATION

##### Profit-Sharing, Thrift and Savings Plans

Subsection 7(d) of the Fair Labor Standards Act of 1938 (52 Stat. 1063; 29 U.S.C. 207) sets out certain payments to employees which are not to be included in their "regular rate" of wage payments for purposes of overtime compensation under section 7 of that act. Among payments of this type enumerated, are "bona fide thrift or savings plans". Paragraph (f) of § 778.6 in this part discusses thrift and savings plans with respect to overtime compensation, but it does not refer to Part 547 of this chapter which sets forth the requirements of a "bona fide thrift or savings plan". Therefore the purpose of this amendment is to provide such a cross reference.

Accordingly, pursuant to section 3(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002), and under the authority of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201-219), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165) and General Order No. 45-A (15 F.R. 3290), 29 CFR Part 778 is hereby amended as follows:

1. Paragraph (f) of § 778.6 is hereby amended to read as follows:

(f) *Profit-sharing, thrift, and savings plans.* Section 7(d) (3) (b) provides that the term "regular rate" shall not be deemed to include:

Sums paid in recognition of services performed during a given period if \* \* \* the payments are made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the Administrator set forth in appropriate regulations \* \* \*.

Such sums may not, however, be credited toward overtime compensation due under the act. The Administrator has issued regulations under this section which are Parts 547 and 549 of this chapter. Payments made pursuant to plans which meet the requirements of the regulations in Parts 547 and 549 of this chapter will be properly excluded from the regular rate.

(52 Stat. 1060, as amended; 29 U.S.C. 201-219)

This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 16th day of November 1959.

CLARENCE T. LUNDQUIST,  
*Administrator.*

[F.R. Doc. 59-10000; Filed; Nov. 25, 1959; 8:46 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Subtitle A—Office of the Secretary of the Interior

#### PART 14—DEPARTMENTAL PROCEEDINGS

##### Petition Respecting a Rule

On page 7406 of the FEDERAL REGISTER of September 15, 1959, there was published a notice of proposed rule making to accord any interested person the right to petition for the issuance, amendment, or repeal of a rule as provided by the Administrative Procedure Act. Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed regulations. None were submitted within the 30-day period and the proposed regulation is hereby adopted without change and is set forth below. This regulation shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(Sec. 4, 60 Stat. 238; 5 U.S.C. 1033(d))

FRED A. SEATON,  
*Secretary of the Interior.*

NOVEMBER 19, 1959.

Part 14, reading as follows, is added to 43 CFR, Subtitle A:

##### § 14.1 Petition respecting a rule.

Any interested person may petition in accordance with the provisions of subsection (d) of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003(d)) for the issuance, amendment, or repeal of a rule. The petition shall be addressed to the Secretary of the Interior, Washington 25, D.C. It shall identify the rule for which modification or repeal is requested, or shall provide the text of a proposed rule or amendment, and shall set forth reasons in support of the petition. The petition will be given prompt consideration and the petitioner will be notified promptly of action taken.

[F.R. Doc. 59-9995; Filed, Nov. 25, 1959; 8:46 a.m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### [ 25 CFR Part 131 ]

#### LEASING AND PERMITTING

#### Notice of Proposed Rule Making

**Basis and purpose.** Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 463 of the Revised Statutes (25 U.S.C. 2), it is proposed to amend 25 CFR 131 as set forth below. The purpose of this amendment is to implement Public Law 86-236 approved September 21, 1959 (73 Stat. 597), which authorizes the leasing of tribal and allotted lands on the Agua Caliente (Palm Springs) Reservation, California, for periods of not to exceed ninety-nine years.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the *FEDERAL REGISTER*.

ROGER ERNST,

*Assistant Secretary of the Interior.*

NOVEMBER 20, 1959.

1. Section 131.16 is amended to read as follows:

#### § 131.16 Subleases; assignments; amendments.

(a) Except as provided in paragraph (b) of this section, a sublease, assignment or amendment of any lease or permit issued under this part may be made only with the approval of the Secretary and the written consent of all parties thereto, including the surety or sureties.

(b) With the consent of the Secretary, the lease may contain a provision authorizing the lessee to sublease the premises, in whole or in part, without further approval. Subleases so made shall not serve to relieve the sublessor from any liability nor diminish any supervisory authority of the Secretary provided for under the approved lease.

2. Section 131.29 is amended to read as follows:

#### § 131.29 Palm Springs, California.

(a) In addition to the authority for the negotiation of leases contained in § 131.8, leases or permits for the use of individual trust or restricted lands belonging to members of the Agua Caliente or Palm Springs Band of Mission Indians may be negotiated by guardians duly qualified as to authority and bond under the laws of California, to enter into

transactions on behalf of the owner of the property. Such leases shall be made on forms approved by the Secretary, subject to the regulations of this part and the written approval of the Secretary. Leases so negotiated shall provide that rentals due may, in the discretion of the Secretary, be paid to such guardians: *Providing, however,* That at any time during the term of the lease, the Secretary may, at his discretion and upon thirty days' notice to the lessee, require the remaining rentals to be paid to the Secretary.

(b) Notwithstanding the limitation contained in § 131.6(a), leases made on tribal or allotted lands on the Agua Caliente (Palm Springs) Reservation, California, may be made for terms up to 60 years except grazing leases which may be for a term of not to exceed 10 years.

[F.R. Doc. 59-9988; Filed, Nov. 25, 1959; 8:45 a.m.]

## FEDERAL AVIATION AGENCY

#### [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 59-WA-287]

#### FEDERAL AIRWAYS AND CONTROL AREAS

#### Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6217 and 601.6217 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 217 and its associated control areas presently extend from Chicago, Ill., to Green Bay, Wis. The Federal Aviation Agency is proposing to extend Victor 217 northerly from Green Bay VOR to a VOR to be installed approximately February 1, 1960, near Rhinelander, Wis., at latitude 45°38'01" N., longitude 89°27'28" W. The extension of Victor 217 from Green Bay to Rhinelander would provide a direct route for VHF equipped aircraft operating between these terminals.

In consideration of the foregoing, the Federal Aviation Agency proposes to extend VOR Federal airway No. 217 and its associated control areas from Green Bay, Wis., to Rhinelander, Wis.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional

Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 19, 1959.

GEORGE S. CASSADY,

*Director,*

*Bureau of Air Traffic Management.*

[F.R. Doc. 59-9984; Filed, Nov. 25, 1959; 8:45 a.m.]

#### [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 59-WA-137]

#### FEDERAL AIRWAYS AND CONTROL AREAS

#### Extension of Time for Comments

In a Notice of Proposed Rule-Making published in the *FEDERAL REGISTER* on September 23, 1959 (24 F.R. 7654), it was stated that the Federal Aviation Agency proposed to extend VOR Federal airway No. 39 from Kennebunk, Maine, via Augusta, Maine, and Millinocket, Maine, to Presque Isle, Maine, to provide an additional route to accommodate the high volume of air traffic operating between these cities.

In accordance with the terms of the notice, the time for public comment expired thirty days after the date of publication of the notice. The Department of the Air Force has informed the Federal Aviation Agency that it wishes to present additional data on this matter. This request appears to be reasonable. Therefore, in order to provide the Air Force and other interested persons a further opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to November 30, 1959.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 59-WA-137 is extended to November 30, 1959. Communications



should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica 30, N.Y.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on November 19, 1959.

GEORGE S. CASSADY,  
Acting Director,  
Bureau of Air Traffic Management.

[F.R. Doc. 59-9985; Filed, Nov. 25, 1959;  
8:45 a.m.]

amended to include the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, T. 31 N., R. 5 W., M.D.M., California.

R. G. SPORLEDER,  
Officer-in-Charge,  
Northern Field Group,  
Sacramento, California.

[F.R. Doc. 59-9991; Filed, Nov. 25, 1959;  
8:45 a.m.]

## NOTICES

### DEPARTMENT OF THE TREASURY

Bureau of Customs

[342.5]

#### CERTAIN MANUFACTURED ARTICLES IN CHIEF VALUE OF CULTURED PEARLS

##### Proposed Tariff Classification

NOVEMBER 20, 1959.

It appears that certain manufactured novelty articles in chief value of cultured pearls, not enumerated in the Tariff Act of 1930 and not similar in use to any article enumerated in the tariff act are properly classifiable under paragraph 1558, Tariff Act of 1930, as manufactured articles not specially provided for, and dutiable at the rate of 10 percent ad valorem under that paragraph, as modified, and that paper weights in chief value of cultured pearls are properly dutiable by virtue of the similitude clause in paragraph 1559(a), as amended, at the rate applicable to glass household articles, not cut or engraved, and not bubble glass, which rate is 50 cents each, but not less than 30 nor more than 50 percent ad valorem under paragraph 218(f), as modified.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that the existing practice of assessing duty on this merchandise on the basis of the component material in chief value at the rate of 5 percent ad valorem, the rate applicable under paragraph 1528, as modified, to pearls, drilled or undrilled, but not set or strung, is under review in the Bureau, the mixed materials clause in paragraph 1559, Tariff Act of 1930, having been repealed by the Customs Simplification Act of 1954.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] RALPH KELLY,  
Commissioner of Customs.

[F.R. Doc. 59-10005; Filed, Nov. 25, 1959;  
8:47 a.m.]

No. 231—2

### DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

#### Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 18, 1959.

The United States Department of Agriculture, Forest Service, has filed an application, Serial Number Sacramento 059766 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws, subject to existing valid claims. The applicant desires the land for use as the Foresthill Administrative Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA  
T. 14 N., R. 10 E.,  
Sec. 25: Lots 8 and 9.

The above described area totals 16.81 acres.

WALTER E. BECK,  
Manager, Land Office,  
Sacramento.

[F.R. Doc. 59-9990; Filed, Nov. 25, 1959;  
8:45 a.m.]

[Classification 544]

CALIFORNIA

#### Small Tract Classification; Partial Rev- ocation and Order Providing for Opening of Lands

NOVEMBER 19, 1959.

In Federal Register Document 59-9172, appearing on page 8859 of the issue for October 30, 1959, the land description is

[Document 215, Amdt. 2]

ARIZONA

#### Notice of Proposed Withdrawal and Reservation of Lands

Effective upon publication, paragraph 3 of Federal Register Document No. 59-1380 appearing on page 1219 of the issue of February 17, 1959 (amended by Federal Register Document No. 59-1900 appearing on page 1663 of the issue of March 5, 1959) is amended to read:

The area described totals 30,317.63 acres, of which approximately 27,325.00 acres is in addition to the original establishing order and subsequent enlargement order.

Dated: November 20, 1959.

E. I. ROWLAND,  
State Supervisor.

[F.R. Doc. 59-9992; Filed, Nov. 25, 1959;  
8:45 a.m.]

Office of the Secretary

#### WHEELER NATIONAL WILDLIFE REFUGE

#### Designating Certain Adjacent Lands and Waters as Closed Areas Under Migratory Bird Treaty Act

Pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 704), as amended, and in accordance with authority delegated by the President in Executive Order No. 10250, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, the area described below is designated as an area closed to the hunting of migratory birds, and notice is hereby given that the pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds will not be permitted on or over such lands after the effective date of this regulation.

All of those areas of land and water in sections 22, 26, 27, 34, and 35, T. 5 S., R. 4 W., on the west shore of Flint Creek embayment in Morgan County, Alabama,

lying adjacent to the Wheeler National Wildlife Refuge, and more particularly described as follows:

Beginning at US-TVA Monument 183 at the northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , section 34, and in the boundary of the United States of America's land. From the initial point with the United States of America's boundary line and between section 27 and 34, S. 89°05' E., 1,333 feet to US-TVA Monument 184 (buried) at the southwest corner of the SE $\frac{1}{4}$ , section 27; thence in section 27, N. 0°45' E., 1,326 feet to US-TVA Monument 69 at the northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; S. 89°05' E., 667 feet to US-TVA Monument 68 at the northeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; N. 0°50' E., 1,322 feet to US-TVA Monument 67 at the northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; N. 88°55' W., 667 feet to US-TVA Monument 66 at the southwest corner of the NE $\frac{1}{4}$ ; N. 0°45' E., 660 feet to the US-TVA Monument 65 at the northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; N. 88°50' W., 667 feet to US-TVA Monument 64 at the southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; N. 0°45' E., 1,322 feet to US-TVA Monument 63 at the northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; leaving the United States of America's boundary line, with the north line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; S. 88°45' E., 227 feet, passing a metal marker at 207 feet, to a point in the 556.3-foot contour on the southwest shore of an embayment of Wheeler Lake; continuing with the north line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; S. 88°45' E., 173 feet; N. 0°45' E., approximately 3,120 feet to a point in the centerline of the original channel of the Tennessee River; with the centerline of the original channel of the Tennessee River as it meanders in a southeasterly direction approximately one mile to a point opposite the mouth of the original channel of Flint Creek; with the centerline of the original channel of Flint Creek as it meanders in a general southwesterly direction approximately 2 $\frac{1}{4}$  miles; leaving the centerline of the original channel of Flint Creek, N. 0°45' W., approximately 2,600 feet to the point of beginning.

The above-described land contains an aggregate of 925.00 acres, more or less.

In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice of intention to adopt this regulation dated September 21, 1959, was published September 26, 1959, in the FEDERAL REGISTER (24 F.R. 7798). No protests or suggested changes have been received. While it is the policy of the Department that new or amended regulations shall become effective 30 days after publication in the FEDERAL REGISTER, the imminence of the duck hunting season which opens in Alabama on November 25, 1959, makes the 30-day period impracticable. Accordingly this regulation shall become effective on November 25, 1959.

Issued at Washington, D.C., this 20th day of November 1959.

FRED A. SEATON,  
*Secretary of the Interior.*

[F.R. Doc. 59-9993; Filed, Nov. 25, 1959;  
8:46 a.m.]

[Order No. 2508; Amdt. 31]

## BUREAU OF INDIAN AFFAIRS

### Delegation of Authority

Section 13 of Order No. 2508, as amended (14 F.R. 258; 16 F.R. 11974; 17

F.R. 6418; 19 F.R. 34, 4585; 20 F.R. 167, 552; 21 F.R. 7655; 22 F.R. 2017, 3474; 23 F.R. 90, 1938; 24 F.R. 3703), is further amended by addition of a new paragraph to read as follows:

#### SEC. 13. *Lands and minerals.* \* \* \*

(cc) The revocation of Departmental reserves of certain Indian lands for agency, school or other administrative purposes under the jurisdiction of the Bureau of Indian Affairs, when the Commissioner determines these lands are no longer needed for the purposes for which they were set aside, and the restoration of jurisdiction over the lands to the tribes.

FRED A. SEATON,  
*Secretary of the Interior.*

NOVEMBER 19, 1959.

[F.R. Doc. 59-9994; Filed, Nov. 25, 1959;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[P. & S. Docket No. 402]

### MARKET AGENCIES AT UNION STOCK YARDS, CHICAGO, ILL.

#### Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on October 16, 1959, authorizing the respondents, Market Agencies at Union Stock Yards, Chicago, Illinois, to assess the current temporary schedule of rates and charges to and including December 21, 1959, unless modified or extended by further order before that date.

On November 9, 1959, a petition was filed on behalf of the respondents requesting authority to modify the current temporary schedule of rates and charges.

The proposed modifications would:

1. Increase by 10 cents per head the charges for selling cattle;
2. Eliminate the distinction between cattle arriving by rail and cattle arriving other than by rail in determining the maximum charge for selling a consignment, increase by \$3.50 the maximum charge for selling a consignment weighing 24,400 pounds or less, and increase by one and one-half cents the charge for selling each 100 pounds or fraction thereof in excess of the first 24,400 pounds of a consignment;
3. Increase by 10 cents per head the charges for selling calves;
4. Eliminate the distinction between calves arriving by rail and calves arriving other than by rail in determining the maximum charge for selling a consignment, and increase by \$3.00 the maximum charge for selling each 100 calves or less of a consignment;
5. Increase by 10 cents per head the charges for selling bulls, except with respect to the charge for selling a consignment of one head only weighing over 1,000 pounds;
6. Eliminate the exception of bulls from the category "tagged cattle", and increase by 25 cents per head the charges for selling tagged cattle;

7. Eliminate the distinction between a shipment of cattle or calves only and a mixed shipment of cattle and calves for purposes of determining the applicable maximum selling charge;

8. Increase by 10 cents per head the charges for selling boards, except with respect to the charge for selling a consignment of one head only;

9. Increase by 5 cents per head and by 2 cents per head, respectively, the charges for selling (1) a consignment of one head only and (2) a consignment of more than one head of hogs;

10. Eliminate the distinction between hogs arriving by rail and hogs arriving other than by rail in determining the maximum charge for selling a consignment, increase by \$1.75 the maximum charge for selling a consignment weighing 18,000 pounds or less, and increase by one cent the charge for selling each 100 pounds or fraction thereof in excess of 18,000 pounds of a consignment;

11. Increase by 5 cents per head and by 2 cents per head, respectively, the charges for selling (1) a consignment of one head only and (2) a consignment of more than one head of sheep or goats;

12. Eliminate the maximum charge for selling a consignment of sheep or goats;

13. Eliminate the maximum charge for selling a consignment of livestock containing two or more species.

14. Increase by 5 cents the extra service charges, respectively, (1) for each additional weight draft over 3 on account of sales or purchase classification, (2) for each additional check, each additional account of sales, and each proceeds deposit or bank credit over one, and (3) for computing, collecting, and remitting each check for the charges of transportation;

15. Redesignate section J as section I;

16. Increase by 10 cents per head (1) the charges for purchasing feeder cattle or calves at auction by direct bid, and (2) the charges for having feeder cattle or calves which have been purchased by direct bid by a buyer weighed to or through a market agency for the buyer;

17. Increase by \$3.50 the maximum charge for the first 24,400 pounds of feeder cattle purchased for a buyer at auction by direct bid, and increase by one and one-half cents the charge for each 100 pounds or fraction thereof of such cattle in excess of 24,400 pounds;

18. Increase by \$3.00 the maximum charge for each 100 feeder calves or less purchased for a buyer at auction by direct bid;

19. Increase by \$2.75 the maximum charge for the first 24,400 pounds of feeder cattle which have been purchased at auction by direct bid by a buyer weighed to or through a market agency for the buyer, and increase by one-half cent the charge for each 100 pounds or fraction thereof of such cattle in excess of 24,400 pounds;

20. Increase by \$2.25 the maximum charge for each 100 feeder calves or less which have been purchased at auction by direct bid by a buyer and weighed to or through a market agency for the buyer;

21. Increase by 5 cents per head the charge for any stockyard services ren-

dered in connection with feeder cattle or calves acquired by a buyer at auction but which have been neither purchased nor paid for by the market agency;

22. Increase by \$1.75 the maximum charge for any stockyard services rendered in connection with the first 24,400 pounds of feeder cattle acquired by a buyer at auction but which have been neither purchased nor paid for by the market agency, and increase by three-fourths cent the charge for rendering such services in connection with each 100 pounds or fraction thereof of such cattle in excess of 24,400 pounds;

23. Increase by \$1.50 the maximum charge for any stockyard services rendered in connection with each 100 feeder calves or less acquired by a buyer at auction but which have been neither purchased nor paid for by the market agency;

24. Redesignate section I as section J, and establish a minimum charge of one cent per consignment and a maximum charge of 7 cents for each 23 cattle, each 62 calves, each 64 hogs, and each 161 sheep or fraction thereof in a consignment to defray the cost of fire insurance;

25. Designate the final undesignated section relating to deductions for the National Live Stock and Meat Board as section K, establish a minimum deduction of one cent per consignment, and eliminate the maximum deduction with respect to a consignment of livestock containing two or more species.

The portions of the current temporary schedule modified as indicated above would read as follows:

## SECTION B

## SELLING CHARGES

	Rate per head
<b>B-1—Cattle:</b>	
Consignments of one head and one head only	\$1.60
Consignments of more than one head:	
First 5 head in each consignment	1.40
Next 10 head in each consignment	1.35
Each head over 15 head in each consignment	1.30
<b>B-2—Cattle, maximum charge:</b>	
In no instance shall the charge for selling a consignment of cattle exceed the aggregate of \$44.50 for the first 24,400 pounds, plus 16½ cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.	
<b>B-3—Calves:</b>	
Consignments of one head and one head only	.90
Consignments of more than one head:	
First 5 head in each consignment	.75
Next 10 head in each consignment	.60
Each head over 15 head in each consignment	.50
<b>B-4—Calves, maximum charge:</b>	
In no instance shall the charge for selling a consignment of calves exceed \$38.00 for each 100 calves or less, plus extra service charges provided in Section E.	
<b>B-5—Bulls:</b>	
Consignments of one head and one head only weighing over 1,000 pounds	2.00
One head and one head only weighing 700 pounds to 1,000 pounds	1.70

## SECTION B—Continued

## SELLING CHARGES—continued

	Rate per head
<b>B-5—Bulls—Continued</b>	
Consignments of more than one head:	
Each animal weighing 700 pounds or over	\$1.70
All bulls weighing less than 700 pounds	(*)
<b>B-6—Tagged cattle: Suspects, Condemned Cattle, T.B. or Bang's Reactor</b>	2.25
<b>B-7—Boars:</b>	
Consignment of one head and one head only	1.00
Consignments of more than one head:	
First 10 head in each consignment	.85
Each head over 10 head in each consignment	.70
<b>B-8—Hogs:</b>	
Consignments of one head and one head only:	
Each head weighing 250 pounds or over	.75
Each head weighing under 250 pounds	.60
Consignments of more than one head:	
First 10 head in each consignment	.50
Next 15 head in each consignment	.45
Each head over 25 head in each consignment	.40
<b>B-9—Hogs, maximum charge:</b>	
In no instance shall the charge for selling a consignment of hogs exceed the aggregate of \$34.50 for the first 18,000 pounds plus 17 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.	
<b>B-10—Sheep or goats:</b>	
Consignments of one and one head only	.55
Consignments of more than one head:	
First 10 head in each 250 head	.37
The next 50 head in each 250 head	.30
The next 60 head in each 250 head	.17
The next 130 head in each 250 head	.12
<b>B-11—Live Stock ordered into the Live Stock and Forwarding Co.'s Division after having been offered for sale by a member of The Chicago Live Stock Exchange will be subject to one commission charge providing the consignment is returned and sold by the same commission firm to whom they were originally consigned.</b>	
<b>B-12—Live Stock reconsigned, by the owner, after being offered for sale by a member of The Chicago Live Stock Exchange will be deemed a service rendered and one-half the regular commission charge assessed.</b>	
<b>B-13—A market agency, using live stock out of a consignment received for sale, to fill, in whole or in part, an order received from a buyer will be presumed to be acting solely as the agent of the consignor and shall collect the regular selling charges from the consignor. Collection shall also be made from the buyer, to cover expenses incurred, of an amount equal to one-half the regular buying charge.</b>	

\* Apply cattle rate.

## SECTION E

## EXTRA SERVICE CHARGES

The following extra service charges are applicable to each consignment, bought or sold, and are in addition to the charges provided in Sections B, C, and F for selling or buying:

	Cents
For each additional weight draft over 3 on account of sales or purchase classification (brought about by sorting and weighing for the best interests of the shipper)	30
For each additional check, each additional account of sales, each proceeds deposit or bank credit over 1	15
For computing, collecting and remitting each check for the charges of transportation	15

Rate per head

Driving livestock to outbound loading chute pens; Driving livestock to the outbound loading chute pens for outbound shipment, the following charges will apply:	
Cattle	\$0.10
Calves	.05
Hogs	.03
Sheep	.02

The above to be applicable only in the event the Union Stock Yard and Transit Company of Chicago, Illinois, is unable to satisfactorily perform this driving service and does not apply to Stockers and Feeders.

## SECTION I

## FEEDER CATTLE AND CALF AUCTION BUYING AND SERVICE CHARGES

No feeder livestock offered for sale at auction will be purchased or paid for by a market agency for a buyer, nor any other stockyard service rendered, unless arrangements satisfactory to the market agency to assure payment therefor have been made by the buyer.

When a market agency purchases feeder livestock at auction by direct bid for a buyer, the charge per consignment shall be:

	Rate per head
<b>I-1—Cattle (average weight over 400 pounds)</b>	\$1.35
Plus extra service charges provided in Section E. Maximum—\$44.50 for the first 24,400 lbs., plus 16½ cents for each additional 100 lbs. or fraction thereof, plus extra service charges provided in Section E.	
<b>I-2—Calves (average weight 400 pounds or under)</b>	.65
Plus extra service charges provided in Section E. Maximum—\$38.00 for each 100 calves or less, plus extra service charges provided in Section E.	

When feeder livestock purchased at auction by direct bid by a buyer is weighed to or through a market agency for the buyer, the charge per consignment shall be:

<b>I-3—Cattle (average weight over 400 pounds)</b>	1.05
Plus extra service charges provided in Section E. Maximum—\$33.50 for the first 24,400 pounds, plus 12½ cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.	

## SECTION I—Continued

## FEEDER CATTLE AND CALF AUCTION BUYING AND SERVICE CHARGES—Continued

	Rate per head
I-4—Calves (average weight 400 pounds or under) .....	\$0.50

Plus extra service charges provided in Section E. Maximum—\$28.50 for each 100 calves or less, plus extra service charges provided in Section E.

When feeder livestock offered for sale at auction is neither purchased nor paid for by a market agency, the charge per consignment for any other stockyard service or services rendered by such market agency in connection with feeder livestock acquired by the buyer at auction shall be:

I-5—Cattle (average weight over 400 pounds) .....	.70
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Plus  $\frac{1}{2}$  extra service charges provided in Section E. Maximum—\$22.25 for the first 24,400 pounds, plus  $8\frac{1}{4}$  cents for each additional 100 pounds or fraction thereof, plus  $\frac{1}{2}$  extra service charges provided in Section E.

I-6—Calves (average weight 400 pounds or under) .....	.35
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Plus  $\frac{1}{2}$  extra service charges provided in Section E. Maximum—\$19.00 for each 100 calves or less, plus  $\frac{1}{2}$  extra service charges provided in Section E.

When feeder livestock offered for sale at auction is neither purchased nor paid for by a market agency, nor any other stockyard service or services rendered by such market agency in connection with feeder livestock acquired by the buyer at auction, there shall be no charge.

## SECTION J

## FIRE INSURANCE

To defray cost of fire insurance under Hartford Insurance Company Policy No. 5628 the following charges will be made:

$\frac{1}{2}$  cent per head on cattle,  
 $\frac{1}{2}$  cent per head on calves,  
 $\frac{1}{2}$  cent per head on hogs,  
 $\frac{1}{2}$  cent per head on sheep.

Subject to a minimum of 1 cent per consignment and a maximum charge of 7 cents for each 23 cattle, each 62 calves, each 64 hogs, and each 161 sheep or fraction thereof each in a consignment.

## SECTION K

## NATIONAL LIVE STOCK AND MEAT BOARD

For the purpose of increasing the consumption of meat and meat products, the members of The Chicago Live Stock Exchange, engaged in selling or buying livestock on commission, shall make the following deductions from the proceeds of all livestock sold by them for nonresidents:

2 cents per head on cattle,  
 $\frac{3}{4}$  cent per head on calves,  
 $\frac{3}{4}$  cent per head on hogs,  
 $\frac{3}{4}$  cent per head on sheep.

Subject to a minimum of 1 cent per consignment and a maximum charge of 50 cents for each 30 cattle, each 75 calves, each 75 hogs, and each 300 sheep or fraction thereof each in a consignment.

All livestock bought for slaughter shall be charged the above rates.

The money so collected shall be turned over monthly to the Secretary of the Exchange, who will remit it to the National Live Stock and Meat Board.

If any customer objects to the payment of this sum, his wishes shall be respected and no charge made on his consignment.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 20th day of November 1959.

DAVID M. PETTUS,  
 Director, Livestock Division,  
 Agricultural Marketing Service.

[F.R. Doc. 59-10002; Filed, Nov. 25, 1959;  
 8:47 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. SA-348]

## AIRCRAFT ACCIDENT NEAR CHARLOTTESVILLE, VA.

## Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 55V, which occurred on Bucks Elbow Mountain near Charlottesville, Virginia, October 30, 1959.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, particularly Title VII of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on December 10, 11, 12, 1959, at 9:00 a.m. (local time) in the Virginia Room of the Monticello Hotel, Charlottesville, Virginia.

Dated at Washington, D.C., November 19, 1959.

[SEAL]

THOMAS K. McDILL,  
 Hearing Officer.

[F.R. Doc. 59-10006; Filed, Nov. 25, 1959;  
 8:47 a.m.]

[Order No. E-14672; Docket No. 10997]

## COMMON FARES TO HAWAII

## Order of Investigation

United States Overseas Airlines, Inc. (USOA), by tariff revisions filed October 26 and 28, 1959, proposes to add common fares applicable to Honolulu and Hilo, Hawaii from Seattle, Washington, Portland, Oregon, and Philadelphia, Pennsylvania. The fares will become effective on November 25 and 27, 1959. In addition, USOA and Transocean Air Lines, Inc. (Transocean), presently have effective tariffs containing common fares applicable to various points in Hawaii from points within the continental United States.

Pan American World Airways, Inc. (PAA), in Docket 10985 has complained of USOA's proposed revisions and currently effective common fares applicable

to Honolulu and Hilo, and has requested that USOA's proposed revisions be suspended and investigated and that its presently effective common fares be investigated. PAA in support of its request contends that the Board has already determined in the Hawaiian Common Fares Case, 10 CAB 921 (1949) that common-rating of Honolulu and Hilo to and from mainland points results in unjust and unreasonable rates and is unduly preferential and prejudicial.

The Board, in the Hawaiian Common Fares Case, determined that common fares applicable to various points in the then Territory of Hawaii were unduly preferential and prejudicial and unjust and unreasonable.<sup>1</sup> The common fares proposed by USOA and those common fares which are presently effective in Hawaii appear to present substantially the same legal issues and problems which confronted us in the Hawaiian Common Fares Case and may therefore be unlawful. In view of this, we are ordering an investigation into USOA's proposed common fares and the presently effective common fares applicable to points in Hawaii from points in the continental United States.

On the basis of the information before us, the Board has determined not to suspend USOA's proposed common fares. We base this finding on the fact that supplemental air carriers are not required to serve the Hawaiian points in any particular sequence and, have had common fares applicable to points in Hawaii since 1953. No air carrier has complained against such fares until PAA filed its complaint against USOA's current proposal. Further, PAA in its complaint does not establish that USOA's proposal will have an adverse effect on its operations.

Pursuant to sections 204(a), 403, 404, and 1002 of the Federal Aviation Act of 1958: It is ordered:

1. That an investigation is instituted to determine whether it is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential prejudicial to establish and maintain the same rates, fares, charges, rules, regulations, or practices for air transportation of passengers between the contiguous states and any of the several points in Hawaii; and to determine and prescribe the lawful rates, fares, or charges (or the maximum or minimum, or the maximum and minimum thereof) to be demanded, charged, collected, or receive for such air transportation or the lawful rules, regulations, or practices affecting such rates, fares, or charges, to be made effective.

<sup>1</sup> The Board in this case stated that fares requiring a passenger traveling along the same route to a nearer point to pay the same fare as one going to a farther point obviously prejudices the former who is required to assume a greater proportion of the applicable costs, and prefers the latter who carries a relatively less proportion of such costs. Moreover, the Board stated that common fares to Hawaii were also prejudicial as between Honolulu and the other islands, and as between the nearer and farther islands and preferential to the farther islands as compared to the nearer ones and Honolulu.

2. That the complaint filed by Pan American World Airways, Inc., in Docket 10985, is dismissed insofar as it requests suspension of USOA's tariff proposal and, except as dismissed, is consolidated with the investigation here instituted.

3. That the investigation hereby instituted shall be set for hearing at a time and place to be announced before a Hearing Examiner, and further proceedings herein shall be pursuant to 14 CFR Part 302, as amended. A copy of this order shall be served upon Pan American World Airways, Inc., United States Overseas Airlines, Inc., Transocean Air Lines, Inc., United Air Lines, Inc., Northwest Airlines, Inc., Aloha Airlines, Inc., and Hawaiian Air Lines, Inc., each of which is made a party herein. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

MABEL MCCART,  
Acting Secretary.

[F.R. Doc. 59-10007; Filed, Nov. 25, 1959;  
8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12619, 12620; FCC 59M-1570]

### GRAVES COUNTY BROADCASTING CO., INC., AND MUHLENBURG BROADCASTING CO. (WNE)

#### Order Continuing Hearing

In re application of Graves Broadcasting Company, Inc., Providence, Kentucky, Docket No. 12619, File No. BP-11577; Muhlenburg Broadcasting Company (WNE), Central City, Kentucky, Docket No. 12620, File No. BP-11731; for construction permits.

On the Examiner's own motion; *It is ordered*, This 19th day of November 1959, that hearing in the above-entitled proceeding presently scheduled for November 23, 1959, be, and the same is, hereby continued indefinitely.

Released: November 20, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL]

MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-10008; Filed, Nov. 25, 1959;  
8:47 a.m.]

[Docket No. 12733; FCC 59M-1573]

### NORMAN E. KAY

#### Order Continuing Hearing

In re application of Norman E. Kay, Del Mar, California, Docket No. 12733, File No. BP-12089; for construction permit.

The Hearing Examiner having under consideration the desirability of continuing the hearing in the above-entitled proceeding;

It appearing that the applicant has filed a petition requesting dismissal of its application;

*It is ordered*, This 20th day of November 1959, that the hearing now scheduled for November 23, 1959, is continued indefinitely.

Released: November 20, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL]

MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-10009; Filed, Nov. 25, 1959;  
8:47 a.m.]

[Docket Nos. 13262, 13263; FCC 59M-1569]

### JAMES J. WILLIAMS AND CHARLES E. SPRINGER

#### Order Scheduling Prehearing Conference

In re applications of James J. Williams, Williamsburg, Virginia, Docket No. 13262, File No. BP-11148; Charles E. Springer, Highland Springs, Virginia, Docket No. 13263, File No. BP-13122; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered*, This 20th day of November 1959, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., December 2, 1959.

Released: November 20, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL]

MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-10010; Filed, Nov. 25, 1959;  
8:47 a.m.]

[Docket No. 13272; FCC 59-1169]

### ULSTER COUNTY BROADCASTING CO.

#### Order Designating Application for Hearing on Stated Issues

In re application of Saul Dresner, Alfred Dresner, Samuel Dresner and Rose Dresner, d/b as Ulster County Broadcasting Company, Ellenville, New York, Docket No. 13272, File No. BP-11781; Requests: 1570 kc, 250 w, Day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of November 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally and technically qualified to construct and operate the instant proposal; but may not be financially or otherwise qualified; and

It further appearing that, pursuant to section 309(b) of the Communications

Act of 1934, as amended, the Commission, in letters dated December 18, 1958 and June 30, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that copies of the aforementioned letters are available for public inspection at the Commission's offices; and

It further appearing that the applicant filed timely replies to the aforementioned letters, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring a hearing on the particular issues hereinafter specified; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing, that by a joint "Petition To Designate Application For Hearing" filed June 9, 1959, Ellenville Broadcasting Company (hereinafter "Ellenville") and Catskills Broadcasting Company (hereinafter "Catskills") objected to a grant of the subject proposal, contending that the applicant is not financially qualified; that, in submitting financial data, applicant lacked candor by failure to disclose outstanding financial commitments; that in compiling the required population figures for various contours, applicant also lacked candor since it "rounded off" the population figures compiled for its original 500-watt proposal and submitted substantially the same computation data in the several engineering amendments to the applications (changes in frequency and power); that applicant's proposed programming is similar to the programming of WBNR, Beacon, New York, in which parties to the instant application have an ownership interest; that the transmitter site photograph used for the present proposal in the instant application is the same as for a formerly specified site; that Alfred and Saul Dresner, parties to the instant application, effected an unauthorized transfer of control with respect to parties in the Beacon, New York application (WBNR, Inc.), giving rise to a character qualification question; and requested that the instant application be set for hearing; and

It further appearing that Ulster County Broadcasting Company (hereinafter "Ulster County") filed an Opposition to said Petition on June 22, 1959, which denied the allegations contained in the joint petition, and requested that the Ulster County application be granted without hearing; and

It further appearing that, the "Reply To Opposition" filed by petitioners on June 29, 1959, alleged that the applicant evaded the issues raised in the petition, stating that these issues still exist; and requested that the application be designated for hearing; and

It further appearing that, in an "Answer To Reply To Opposition" filed on July 7, 1959, Ulster County entered a complete denial of the petitioners' allegations, and again requested that the application be granted; and



It further appearing that, in a "Supplement To Petition To Designate Application For Hearing" and an affidavit attached thereto, filed by Ellenville and Catskills on September 28, 1959, it was alleged that "The owners of the property on which the \* \* \* applicant proposes to locate its transmitter site have had no negotiations or discussions with any party with respect to the sale or lease of the said property; the owners had never negotiated or discussed this matter with Ulster County \* \* \* or with \* \* \* the (parties) therein; and the owners in fact do not know any of the Dresners"; that in view of the foregoing, it was a misrepresentation to allege to the Commission that the cost of this new transmitter site was "comparable" to that of the old; that this, therefore, raises a question as to applicant's financial qualifications; that the code number on the new site photograph submitted by the applicant in response to the Commission's letter of June 30, 1959 indicates that the applicant had said picture in its possession at the time it submitted the old site photograph which, applicant alleged, also included therein a picture of the new site, but which in fact did not and that this was, therefore, a deliberate misrepresentation; that true and correct copies of said supplement were served by mail, postage prepaid, September 28, 1959 on Alfred Dresner, Counsel for Ulster County; and it was requested that, for the reasons stated therein, the instant application be designated for hearing; and

It further appearing that, an Opposition to said Supplement, filed October 5, 1959 by Ulster County alleged that it had an "honest intention to build the radio station on the site specified"; that in the applicant's opinion and the opinion of others, the land estimate is comparable; denied the allegations concerning the photographs; and again requested that the petition be denied and the application be granted; and

It further appearing that, the subject applicant originally requested the facilities 1370 kc, 500 w, Day; that on February 24, 1959 applicant submitted an amendment for operation on 1570 kc, 500 w, Day; that on March 23, 1959 Station WQXR, New York, New York submitted a petition objecting to the grant of subject application on the grounds of interference to its 0.5 mv/m contour and in the area between its 0.5 and 0.1 mv/m daytime groundwave contours, citing in support of its contention that the latter area is entitled to protection from adjacent channel interference, §§ 3.11(a), 3.22(a), and 3.182 of the Commission rules; that on April 10, 1959 the applicant submitted a second amendment decreasing the proposed power of operation to 250 watts; that WQXR submitted a petition dated May 5, 1959 objecting to a grant of the instant application because of interference within its 0.5 and 0.1 mv/m contours; that on May 15, 1959 applicant submitted a third amendment changing the site of the proposed operation to a location 1 mile further removed from the WQXR service area; and that on July 20, 1959 WQXR submitted a letter objecting to a grant of the instant

application for the reason stated in its May 5, 1959 petition; and

It further appearing that, by virtue of the Ulster County amendment filed May 15, 1959 which changed the location of the proposed transmitter site, the instant proposal would involve no objectionable interference within the 0.5 mv/m contour of Station WQXR; and that, under the Commission rules WQXR is not entitled to protection beyond its normally protected 0.5 mv/m contour, Patchogue Broadcasting Co., Inc. (WAPC), 18 Pike and Fischer, R.R. 862a; Big River Broadcasters (WBAZ), 18 Pike and Fischer, R.R. 855; and

It further appearing that, the petitioners' and affiants' statements concerning the second transmitter site proposed by Ulster County are in direct conflict with Ulster County's implied representation in proposing the site and alleging that its cost is comparable to that of the originally proposed site and that said site is available to Ulster County for the erection of its transmitter building and tower; and that the applicant failed to answer or meet these contentions in its opposition to the supplemental petition; and

It further appearing that, questions obtain as to whether the applicant, at the time it amended its application to change transmitter sites, had a reasonable expectancy that the second site would be available to it for the purpose specified, and, if not, whether the application is, in fact, on a site-to-be-determined basis and subject to dismissal pursuant to § 3.33 of the Commission rules; whether, if said site is available to the applicant, the cost is the same as the previously-specified site and whether the applicant is financially qualified to construct and operate the proposed station; and whether the applicant has misrepresented to the Commission the true state of the facts with respect to the said site and, if so, whether the applicant possesses the basic qualifications to be a broadcast licensee; and

It further appearing that, as to the other allegations raised by the petitioners, insufficient supporting data, amendments from the applicant and subsequent action of the Commission make it unnecessary to place these points in issue; and

It further appearing that, after consideration of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether Ulster County Broadcasting Company has a reasonable expectancy of getting the transmitter site herein specified and, if not, whether this is a site-to-be-determined application subject to dismissal pursuant to § 3.33(a) of the Commission rules.

2. To determine whether, if it is found that the applicant has a transmitter site available, the applicant is financially qualified to construct and operate its proposed station.

3. To determine whether the instant applicant has misrepresented to the Commission the facts with respect to the transmitter site specified, and, if so, whether the applicant has the requisite character qualifications to be a licensee of a standard broadcast station.

4. To determine, in the light of the evidence adduced under the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, for the reasons specified herein, the requests of Interstate Broadcasting Company (WQXR) contained in the above-referenced petitions and letters are denied.

*It is further ordered*, That, for the reasons stated above, the requests contained in the above-referenced joint pleadings of Ellenville Broadcasting Company and Catskills Broadcasting Company are granted to the extent specified herein and are denied in all other respects.

*It is further ordered*, That, for the reasons specified herein, the requests contained in the above-referenced pleadings of the applicant are denied.

Released: November 23, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-10011; Filed, Nov. 25, 1959;  
8:47 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-19983]

### TENNESSEE GAS TRANSMISSION CO.

#### Notice of Postponement of Hearing

NOVEMBER 16, 1959.

Upon consideration of the request filed November 13, 1959, by Counsel for Tennessee Gas Transmission Company for postponement of the hearing now scheduled for December 15, 1959 in the above-designated matter;

The hearing now scheduled for December 15, 1959, is hereby postponed to February 2, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-9986; Filed, Nov. 25, 1959;  
8:45 a.m.]



[Docket No. G-18078, etc.]

**TEXACO, INC., ET AL.****Notice of Applications and Date of Hearing**

NOVEMBER 19, 1959.

In the matters of Texaco Inc., Docket No. G-18078; Delhi-Taylor Oil Corporation and Mayfair Minerals, Inc., Docket No. G-18223; Harry L. Martin, Operator, et al., Docket No. G-18548; S. H. Howell, Docket No. G-18600; C. C. Winn, Operator, Docket No. G-18601; C. C. Winn, Operator, Docket No. G-18602; C. C. Winn, Operator, Docket No. G-18603; Horizon Oil & Gas Company, Docket No. G-18607; Bright & Schiff, Docket No. G-18608; Claud B. Hamill, Docket No. G-18611; Producing Properties, Inc., Docket No. G-18612; Bright & Schiff, Docket No. G-18622; John L. Loeb, et al., Docket No. G-18628; Skelly Oil Company, Docket No. G-18638; Glen A. Martin, et al., Docket No. G-18639; Roy H. Bettis and G. Frederick Shepherd, Docket No. G-18645; Roy H. Bettis and G. Frederick Shepherd, Docket No. G-18646; W. R. Ransone, Trustee, Docket No. G-18684; W. L. Moody III, et al., d/b/a Moody Properties, Operator, et al., Docket No. G-18758; Appell Petroleum Corporation, et al., Docket No. G-18761; Tennessee Gas Transmission Company, Docket No. G-18765; Tex-Star Oil & Gas Corporation, et al., Docket No. G-18779; Harrell Drilling Company, et al., Docket No. G-18790; W. L. Pickets, et al., Docket No. G-18821; Richard King, Inc., et al., Docket No. G-18828; Engco Oil & Gas Company, Docket No. G-18865; Roy H. Bettis and G. Frederick Shepherd, Docket No. G-18875; Tex-Star Oil & Gas Corporation, Operator, et al., Docket No. G-18904; South Texas Natural Gas Gathering Company, Docket No. G-18907; Transcontinental Gas Pipe Line Corporation, Docket No. G-18920; George H. Coates, Operator, et al., Docket No. G-18938; John W. Pace, Operator, et al., Docket No. G-18982; Coastal States Gas Producing Company, Operator, and Southern Coast Corporation, Docket No. G-19016; Seas Oil Corporation, et al., Docket No. G-19019; L. B. Horn, Operator, et al., Docket No. G-19034; Delhi-Taylor Oil Corporation and Mayfair Minerals, Inc., Docket No. G-19128; Carril Oil and Hawn Bros., Docket No. G-19146; H. L. Brown, Docket No. G-19175; G. L. Rowsey, et al., Docket No. G-19185; Brooks Gathering Company, Docket No. G-19290; Santex Oil Company, Operator, et al., Docket No. G-19295.

Take notice that each of the above Applicants have filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities to receive and transport natural gas and for the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented by the respective applications and amendments thereto, which are on file with the Commission and open to public inspection.

South Texas Natural Gas Gathering Company (South Texas) by its application in Docket No. G-18907, seeks authority to construct and operate certain facilities, to gather, sell and deliver to Transcontinental Gas Pipe Line Corporation (Transco) gas purchased from various fields in Texas Railroad Commission District No. 4. The facilities proposed by South Texas will connect with Transco's facilities at a point located in La Salle County, Texas, and with South Texas' existing gathering system in Brooks County, Texas. South Texas also proposes to construct and operate one 880 horsepower compressor station.

The estimated cost of the proposed facilities is \$5,498,000, which will be financed through the issuance of common stock and long term notes to Coastal States Gas Producing Company (Coastal States), parent company of South Texas.

Transco, by its application in Docket No. G-18920 proposes to construct and operate facilities consisting of 29.07 miles of 20-inch lateral transmission pipeline extending from a connection with South Texas' facilities in La Salle County, Texas, to a point on Transco's 24-inch South Texas lateral, and an additional 2,500 horsepower compressor unit at its existing compressor station No. 3, plus appurtenant facilities, which will enable it to receive the subject gas from South Texas.

Transco estimates the total capital cost of its proposed facilities at \$2,403,000, which will be financed initially through temporary bank loans. Permanent financing will be arranged later as a part of an overall financing program.

The respective Applicants produce or purchase and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

*Docket No., Field and Location, Purchaser*

G-18078; North Fitzsimmons Field, Duval County, Tex.; Coastal States Gas Producing Co., and Southern Coast Corp.

G-18223; Shepherd Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18548; Jay Simmons Field, Starr County, Tex.; South Texas Natural Gas Gathering Co.

G-18600; La Copita Field, Starr County, Tex.; South Texas Natural Gas Gathering Co.

G-18601; Johns Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.

G-18602; Johns Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.

G-18603; Johns Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.

G-18607; Piedre Lumbré Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.

G-18608; Whitted Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18611; El Benadito Field, Starr County, Tex.; South Texas Natural Gas Gathering Co.

G-18612; Johns Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.

G-18622; Monte Christo Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18628; Cano Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18638; Glen Martin Field, Webb County, Tex.; South Texas Natural Gas Gathering Co.

G-18639; Glen Martin Field, Webb County, Tex.; South Texas Natural Gas Gathering Co.

G-18645; North Los Torritos Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18646; Cano and Rueda Fields, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18684; Cano Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18758; Cano Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18761; El Benadito Field, Starr County, Tex.; South Texas Natural Gas Gathering Co.

G-18765; North Monte Christo Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18779; Hidalgo Field, Hidalgo County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.

G-18790; Penitas Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18821; Penitas Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18828; Donna Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18865; Whitted Field, Hidalgo County, Tex.; Coastal States Gas Producing Co.

G-18875; North Weslaco Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18904; East Fitzsimmons Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.

G-18938; Rico Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-18982; Penitas Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-19016; Withers, Fiedre Lumbré, Johns, and various Fields, Duval and Webb Counties, Tex.; South Texas Natural Gas Gathering Co.

G-19019; Cuellar, Henne-Winch-Farris Field, Jim Hogg, Webb, and Zapata Counties, Tex.; South Texas Natural Gas Gathering Co.

G-19034; A & H Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.

G-19128; Whitted Field, Hidalgo County, Tex.; South Texas Natural Gas Gathering Co.

G-19146; Bob Cooper Field, Brooks County, Tex.; South Texas Natural Gas Gathering Co.

G-19175; Kelsey Field, Brooks County, Tex.; South Texas Natural Gas Gathering Co.

G-19185; Johns Field, Duval County, Tex.; Coastal States Gas Producing Co. and Southern Coast Corp.

G-19290; Kelsey Field, Brooks County, Tex.; South Texas Natural Gas Gathering Co.

G-19295; Martinez Field, Jim Hogg, Webb, and Zapata Counties, Tex.; South Texas Natural Gas Gathering Co.

G-19295; Martinez Field, Jim Hogg, Webb, and Zapata Counties, Tex.; South Texas Natural Gas Gathering Co.

G-19295; Martinez Field, Jim Hogg, Webb, and Zapata Counties, Tex.; South Texas Natural Gas Gathering Co.

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G-19295; Martinez Field, Jim Hogg, Webb, and Zapata Counties, Tex.; South Texas Natural Gas Gathering Co.

G-19295; Martinez Field, Jim Hogg, Webb, and Zapata Counties, Tex.; South Texas Natural Gas Gathering Co.

otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 14, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-9987; Filed, Nov. 25, 1959;  
8:45 a.m.]

## INTERNATIONAL JOINT COMMISSION

### PASSAMAQUODDY TIDAL POWER SURVEY

#### Reports Available for Examination

On August 2, 1956, the Governments of Canada and the United States requested the International Joint Commission, United States and Canada, to determine the estimated cost and economic feasibility of developing the international tidal power potential of Passamaquoddy Bay in the State of Maine and the Province of New Brunswick and the effects which such a project would have on the economies of both countries and on the fisheries in the area.

The comprehensive technical investigations and studies necessary for the preparation of this report have now been completed, and the final reports of the International Passamaquoddy Fisheries Board and the International Passamaquoddy Engineering Board, which the Commission established for this purpose, were formally presented to the Commission during the course of its semi-annual meeting from 6 through 9 October in Ottawa.

The Commission took the reports of the Boards under advisement and decided to make copies available for examination by interested parties at convenient places in both countries, in order that the Commission may obtain the views of all concerned prior to formulation of the Commission's report and recommendations to the two Governments.

Accordingly, copies of the reports of the International Passamaquoddy Fisheries Board and the International Passamaquoddy Engineering Board have been made available for examination by interested persons at the locations indicated below. Comments may be addressed to Mr. Harry J. Donohue, Secretary, United States Section, International Joint Commission, Room 786, Federal Trade Building, Seventh and Pennsylvania Avenue NW., Washington 25, D.C., and should be submitted before December 31, 1959.

Locations where Reports to the International Joint Commission, United

States and Canada, from the International Passamaquoddy Engineering and Fisheries Boards may be examined:

Augusta, Maine: Maine Department of Industry and Commerce; Maine Department of Inland Fisheries and Game; Maine Department of Sea and Shore Fisheries; Maine State Library, State House.

Bangor, Maine: Bangor Public Library; U.S. Army Corps of Engineers Area Office, Dow Field.

Brunswick, Maine: Bowdoin College Library.

Calais, Maine: Calais Free Public Library and Reading Room; City Manager.

Caribou, Maine: Caribou Public Library, 14 High Street.

Castine, Maine: Maine Maritime Academy Library.

Eastport, Maine: City Manager; Peavey Memorial Library; Washington County Chamber of Commerce, Quoddy Village.

Fort Kent, Maine: Fort Kent Chamber of Commerce; Fort Kent Public Library.

Gloucester, Mass.: U.S. Fish and Wildlife Service Regional Office.

Houlton, Maine: Cary Free Public Library, Main Street; Houlton Chamber of Commerce.

Lewiston, Maine: Bates College Library.

Lubec, Maine: Lubec Memorial Library; Town Manager.

New York, N.Y.: Regional Engineer, Federal Power Commission, 139 Centre Street; U.S. Army Corps of Engineers Division Office, 1216 Federal Office Building, 90 Church Street.

Orono, Maine: University of Maine Library.

Portland, Maine: U.S. Army Corps of Engineers Area Office, Baxter Block; Portland Public Library; University of Maine in Portland, 23 Brighton Avenue.

Providence, R.I.: U.S. Army Corps of Engineers Area Office, 187 Westminster Street.

Waltham, Mass.: U.S. Army Corps of Engineers Division Office, 424 Trapelo Road.

Washington, D.C.: International Joint Commission, United States and Canada, United States Section, Room 786, Federal Trade Building; Bureau of Commercial Fisheries, United States Fish and Wildlife Service, Department of the Interior, 18th and C Streets NW.; Bureau of Power, Federal Power Commission, 441 G Street NW.; Office of the Chief of Engineers, Department of the Army, Building T-7, Arlington, Va.

Waterville, Maine: Colby College Library.

HARRY J. DONOHUE,  
Secretary, United States Section,  
International Joint Commission.

NOVEMBER 19, 1959.

[F.R. Doc. 59-9996; Filed, Nov. 25, 1959;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1254]

### FUNDAMENTAL INVESTORS, INC.

#### Application for Exemption in Sale by Open-End Company of Its Shares at Other Than Public Offering Price in Exchange for Assets of Non- Affiliated Company

NOVEMBER 18, 1959.

Notice is hereby given that Fundamental Investors, Inc. ("Fundamental"), a registered open-end investment company, has filed an application pursuant

to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares for substantially all of the cash and securities of the Uncasville Manufacturing Company ("Uncasville").

Shares of Fundamental, a Delaware corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of September 2, 1959, the net assets of Fundamental amounted to \$584,506,436 and 29,594,912 shares of its stock were outstanding.

Uncasville, a Connecticut corporation, is a personal holding company with twelve stockholders which engages in the business of investing and reinvesting its funds. Uncasville is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between representation of Fundamental and Uncasville, substantially all of the cash and securities owned by Uncasville, with a total value of \$1,990,346 as of September 2, 1959, will be transferred to Fundamental in exchange for shares of stock of Fundamental. The shares acquired by Uncasville are to be distributed immediately to its shareholders, who have agreed to take such shares for investment. The number of shares of Fundamental to be delivered to Uncasville will be determined by dividing the net asset value per share of Fundamental in effect at the close of business on the day preceding the closing date into the value of the Uncasville assets to be exchanged.

The value of the assets of Uncasville will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Fundamental's shares, except that from the value of Uncasville's assets there may be deducted an adjustment designed to protect Fundamental's shareholders from possible adverse tax consequences of the exchange. Since the exchange will be tax free for Uncasville and its shareholders, Fundamental's cost basis for tax purposes on the assets acquired from Uncasville will be the same as for Uncasville, rather than the price actually paid by Fundamental for the assets. In view of this, if the percentage of the value of Uncasville's assets representing unrealized appreciation is greater than the percentage of value of Fundamental's portfolio securities representing unrealized appreciation, there will be deducted from the value of Uncasville's assets 12½ percent of the amount of such excess unrealized appreciation. This adjustment is intended to safeguard the present shareholders of Fundamental from bearing a greater gains tax on any subsequent sale by Fundamental of the Uncasville securities than they would bear on the sale of the securities presently in its portfolio.

The application states that since the average capital gains tax rate that would have to be paid by Fundamental's shareholders cannot be exactly calculated, the figure of 12½ percent used for the adjustment was arrived at as a fair compromise between 0 and the maximum

long-term capital gains tax of 25 percent.

As of September 2, 1959 the net unrealized appreciation on securities owned by Uncasville was \$1,171,352, or 59 percent of their value, as compared with net unrealized appreciation of \$247,216,267 or 42.4 percent of Fundamental's portfolio securities. Assuming the exchange had occurred on September 2, 1959, the adjustment made would have resulted in a deduction of approximately \$41,105 from the value of Uncasville's assets; Uncasville would have received 98,695 shares of stock of Fundamental, representing about 0.3 percent of the total shares outstanding.

The application recites that the terms of the agreement were arrived at through arm's-length negotiations between representatives of Fundamental and Uncasville. The application further states that there is no affiliation or relationship of any kind between Fundamental and Uncasville, or between the officers and directors of Fundamental and the officers, directors and stockholders of Uncasville.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Fundamental are to be issued to Uncasville at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2 percent for sales of \$500,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than December 1, 1959, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F.R. Doc. 59-10001; Filed, Nov. 25, 1959; 8:47 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### LEARNER EMPLOYMENT CERTIFICATES

##### Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F.R. 200), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number of proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

**Apparel Industry Learner Regulations** (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Baumel Dress Co., Grant Street and Willow Avenue, Olyphant, Pa.; effective 11-3-59 to 11-2-60 (ladies' and children's dresses).

Blue Bell, Inc., Tupelo, Miss.; effective 11-3-59 to 11-7-60 (men's western and work shirts, boys' boxer longies).

Burnley Shirt Corp., 502 22d Avenue, South, Meridian, Miss.; effective 11-3-59 to 11-2-60 (men's dress and sport shirts).

Corinth Brassiere Co., Inc., 815 Cruise Street, Plant No. 1, Corinth, Miss.; effective 11-5-59 to 11-4-60 (brassieres).

Dixie Manufacturing Co., Plant No. 2, Barley Street, Columbia, Tenn.; effective 11-12-59 to 11-11-60. Learners may not be employed in the production of ladies' skirts (men's and boys' dungarees).

Ely & Walker, A Division of Burlington Industries, Canton, Miss.; effective 11-20-59 to 11-19-60 (men's sport shirts).

Warren Featherbone Co., 1225 South Chestnut Street, Gainesville, Ga.; effective 11-7-59 to 11-6-60 (infants' wear, rainwear, etc.).

Four's Co., Inc., East Brown Street, Blairsville, Pa.; effective 11-14-59 to 11-13-60 (children's dresses).

Gordon and Ferguson, Inc., 230 East Fifth Street, St. Paul, Minn.; effective 11-6-59 to 11-5-60 (sportswear made of fabric, leather, sheepskin, etc., for men, women and boys).

Hartsville Garment Corp., 226 Broadway, Hartsville, Tenn.; effective 11-9-59 to 11-8-60 (men's sport shirts).

Hartsville Manufacturing Co., Hartsville, S.C.; effective 11-17-59 to 11-16-60 (ladies' cotton wash dresses).

Hathaway Shirt Co., Waterville, Maine; effective 11-6-59 to 11-5-60 (men's dress and sport shirts, women's shirts).

Hickman Garment Corp., Hickman, Ky.; effective 11-12-59 to 11-11-60 (men's, boys', kiddies', and ladies' jackets).

Malden Form Brassiere Co., Inc., 2311 Adams Avenue, Huntington, W. Va.; effective 11-12-59 to 11-11-60 (brassieres).

Russell Springs Manufacturing Corp., Russell Springs, Ky.; effective 11-9-59 to 11-8-60 (men's sport shirts).

Salant & Salant, Inc., First Street, Lexington, Tenn.; effective 11-9-59 to 11-8-60 (boys' cotton sport shirts).

Salant & Salant, Inc., Pine Street, Lexington, Tenn.; effective 11-6-59 to 11-5-60 (men's and boys' cotton work shirts).

Salant & Salant, Inc., Obion, Tenn.; effective 11-9-59 to 11-8-60 (boys' cotton sport shirts).

Salant & Salant, Inc., Washington Street, Paris, Tenn.; effective 11-9-59 to 11-8-60 (men's and boys' cotton sport and work shirts).

Salant & Salant, Inc., Tennessee Avenue, Parsons, Tenn.; effective 11-8-59 to 11-7-60 (men's and boys' cotton work pants).

Salant & Salant, Inc., Troy, Tenn.; effective 11-7-59 to 11-6-60 (boys' cotton sport shirts).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va.; effective 11-8-59 to 11-7-60 (ladies' woven and knit underwear).

Savada Brothers, Inc., Glen Rock, Pa.; effective 11-8-59 to 11-7-60 (boys' pajamas and shirts).

Levi Strauss and Co., 1808 Cherry Street, Knoxville, Tenn.; effective 11-9-59 to 11-8-60 (men's and children's denim waist overalls and casual slacks).

Waldon Manufacturing Co., Walnut, Miss.; effective 11-9-59 to 11-8-60 (men's drizzler jackets and Bermuda shorts).

Wentworth Manufacturing Co., Blanding Street, Lake City, S.C.; effective 11-9-59 to 11-8-60 (women's cotton house dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Delta Shirt Manufacturing Co., Inc., Deming, N. Mex.; effective 11-9-59 to 11-8-60; five learners (boys' sport shirts).

Era's, Inc., 21 West Center Avenue, Mooresville, N.C.; effective 11-9-59 to 11-8-60; 10 learners (ladies' robes and dusters).

Manchester Pants Co., Manchester, Md.; effective 11-7-59 to 11-6-60; 10 learners (men's trousers).

Selro Manufacturing Co., Denton, Md.; effective 11-19-59 to 11-18-60; 10 learners (women's sportswear, capri, pedal pushers, shorts, etc.).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Coalgate, Okla.; effective 11-14-59 to 5-13-60; 20 learners (men's and boys' work pants and dungarees).

Corinth Brassiere Co., Inc., 815 Cruise Street, Plant No. 1, Corinth, Miss.; effective 11-5-59 to 5-4-60; 30 learners (brassieres).

Corinth Brassiere Co., Inc., 914 Cruise Street, Plant No. 2, Corinth, Miss.; effective 11-5-59 to 5-4-60; 100 learners (brassieres).

Hampton Knitting Mills, Inc., 1776 Main Street (rear), Northampton, Pa.; effective 11-5-59 to 5-4-60; 10 learners (boys' and men's polo shirts).

Levi Strauss and Co., Blue Ridge, Ga.; effective 11-16-59 to 5-15-60; 100 learners (men's and boys' wash and wear trousers).

Twin Cities Manufacturing Co., Inc., White Hall, Ill.; effective 11-9-59 to 5-8-60; 30 learners (women's dresses and sportswear).

Jack Winter, Warren, Ark.; effective 11-4-59 to 5-3-60; 50 learners (ladies' shirts and slacks).

**Knitted Wear Industry Learner Regulations** (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carolina Underwear Co., Inc., Forsyth Division, Thomasville, N.C.; effective 11-7-59 to 11-6-60; five learners for normal labor turnover purposes (children's and ladies' panties).

Mildred Friedman, Inc., 33 River Street, Carbondale, Pa.; effective 11-2-59 to 11-1-60; five learners for normal labor turnover purposes (ladies' lingerie—tricot slips, petticoats).

Quitman Knitting Mills, Inc., Quitman, Miss.; effective 11-9-59 to 5-8-60; 95 learners for plant expansion purposes (children's knitted sleepwear and underwear).

Rocky Mount Undergarment Co., Inc., 1536 Boone Street, Rocky Mount, N.C.; effective 11-16-59 to 5-15-60; 60 learners for plant expansion purposes (lingerie—panties).

Superior Mills, Division of The B.V.D. Co., Inc., Carboro, N.C.; effective 11-4-59 to 5-3-60; 15 learners for plant expansion purposes (knitted cotton cloth for underwear).

Superior Mills, Division of The B.V.D. Co., Inc., Carboro, N.C.; effective 11-4-59 to 11-3-60; five learners for normal labor turnover purposes (knitted cotton cloth for underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 12th day of November 1959.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[F.R. Doc. 59-9999; Filed, Nov. 25, 1959;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 226]

### MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 21, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by

petitioners must be specified in their petitions with particularity.

No. MC-FC 62532. By order of November 18, 1959, the Transfer Board approved the transfer to Elmer D. Carlson, 616 Main Street, Great Bend, Pa., of Certificate in No. MC 115251 Sub 1, issued October 24, 1956, to Benjamin A. Cobb, Main Street, New Milford, Pa., authorizing the transportation of: Flagstone from points in Susquehanna County, Pa., and Broome and Delaware Counties, N.Y., to White Plains and Yonkers, N.Y., and points on Long Island, N.Y.

No. MC-FC 62574. By order of November 18, 1959, the Transfer Board approved the transfer to Joseph G. Kortan doing business as Kortan's Garage, Tabor, S. Dak., of Certificate No. MC 14053 issued August 21, 1959, in the name of Rosie M. Kortan doing business as Kortan's Garage, Tabor, S. Dak., authorizing the transportation over irregular routes of livestock, farm machinery, twine, feed, and seeds, between Tabor, S. Dak., and points in South Dakota within 10 miles of Tabor, on the one hand, and, on the other, Sioux City, Iowa. Ray E. Post, Tyndall, S. Dak., for applicants.

No. MC-FC 62584. By order of November 18, 1959, the Transfer Board approved the transfer to Able Contracting Co., Inc., 2025 West Grand Avenue, Chicago 12, Ill., of the operating rights in Certificate No. MC 23048, issued by the Commission January 31, 1950, to Thomas C. Ryan, Florence Ryan, Administratrix, doing business as Able Transfer Company, 2025 West Grand Avenue, Chicago, Ill., authorizing the transportation, over irregular routes, of heavy machinery, between points in the Chicago, Ill., Commercial Zone, and between points in the above-specified Illinois territory, on the one hand, and, points in Lake, Porter, and La Porte Counties, Ind., on the other.

No. MC-FC 62597. By order of November 19, 1959, the Transfer Board approved the transfer to Ed. M. Brenton, Eureka, Kans., of Certificate in No. MC 98148 Sub 1, issued March 21, 1956, to Frank Bailey, doing business as Frank Bailey Oil Field Trucking, Jay, Okla., authorizing the transportation of: Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, between points in Kansas and Oklahoma. Erle W. Francis, Attorney, 214 West Sixth Street, Topeka, Kans., for applicants.

No. MC-FC 62608. By order of November 18, 1959, the Transfer Board approved the transfer to Thompson Transportation, Inc., Boise, Idaho, of Permit No. MC 101741 issued July 25, 1953, in the name of Leo E. Thompson and Harold J. Thompson, a partnership, doing business as Thompson & Sons

Transportation Company, Boise, Idaho, authorizing the transportation, over regular and irregular routes, of lumber and building materials, other than cement, from Portland, Oreg., to Idaho points, serving the intermediate and off-route points of La Grande, Hood River, and Pondosa, Oreg., those within 25 miles of Hood River and Pondosa, and those in Oregon within 25 miles of Portland, restricted to pick-up; and, irregular routes, cement, in bulk, during the season extending from March 1 to October 31, both inclusive, of each year, from Mountain Home, Idaho, and points within five miles thereof, to Mountain Home Air Force Base, and points within ten miles thereof. Randall Wallis, P.O. Box 1253, Boise, Idaho, for applicants.

No. MC-FC 62622. By order of November 19, 1959, the Transfer Board approved the transfer to John A. Rivers Service, Inc., doing business as Park Road Moving and Transfer Co., 1036 Park Road NW., Washington, District of Columbia, of a Certificate in No. MC 111873, issued July 17, 1950, to Shelton Bros. Trucking Co., Inc., 1240 W Street NE., Washington, District of Columbia, authorizing the transportation of pianos, piano benches, laundry machines, refrigerators, gas and electric ranges, radios, and musical instruments, between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia within 50 miles of Washington, and ice-making or refrigerating machinery and incidental equipment, between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia within 50 miles of Washington.

No. MC-FC 62632. By order of November 18, 1959, the Transfer Board approved the Transfer to The Ellis Motor Lines, Inc., Torrington, Conn., of Certificate Nos. MC 34970, MC 34970 Sub 2, MC 34970 Sub 3, and 34970 Sub 5, issued April 10, 1957, June 23, 1959, July 30, 1957, and August 27, 1959, respectively, to Daniel Clapps and Anthony Clapps, doing business as The Ellis Motor Lines, Torrington, Conn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Torrington, Conn., and Hartford, Conn., between Torrington, Conn., and Waterbury, Conn., and between Stafford Springs, Conn., and New York, N.Y., with service to designated intermediate and off-route points; between West Stafford, Conn., and Somers, Conn., and between Torrington, Conn., and New York, N.Y., serving no intermediate points; and between points in Orange, Rockland, Sullivan, and Westchester Counties, N.Y., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, and Passaic Counties, N.J., and between New York, N.Y., on the one hand, and, on the other, points in Bergen and Passaic Counties, N.J.; shoddy, wool, wool nolls, soap, and yarn, from Philadelphia, Pa., and Camden, N.J., to Stafford Springs, Somersville, Talcottville, Buckland, and South Glastonbury, Conn.; wool, and wool shoddy, from Philadelphia, Pa., and Camden, N.J., to Pittsfield, Mass.; wool, and wool nolls, from Providence, R.I.,

Philadelphia, Pa., and Camden, N.J., to Stottville, N.Y.; woolen cloth, from Wales, Mass., and Westerly, R.I., to New York, N.Y.; wool, and rayon noils, from Philadelphia, Pa., and Camden, N.J., to Westerly, R.I.; shoddy, dyes, yarn, and empty bobbins, between Stafford Springs, Conn., and Westerly, R.I.; and household goods, between Torrington, Conn., on the one hand, and, on the other, points in New York. John L. Collins, 50 State Street, Hartford 3, Conn., for applicants.

No. MC-FC 62639. By order of November 18, 1959, the Transfer Board approved the transfer to Contract Carriers, Inc., Albuquerque, N. Mex., of Permit No. MC 113463, issued April 2, 1959, to W. I. Davis and R. L. Richardson, doing business as Contract Carrier Co., Albuquerque, N. Mex., authorizing the transportation of: Malt beverages from Golden, Colo., to Farmington, Gallup, Albuquerque, Roswell, Las Vegas, Santa Fe, Las Cruces, and Tucumcari, N. Mex., and empty malt beverage containers, from the destination points named, to Golden, Colo. John P. Dwyer, First National Bank Building, Albuquerque, N. Mex., for applicants.

No. MC-FC 62665. By order of November 19, 1959, the Transfer Board approved the transfer to Ross Truck Lines, Inc., Denison, Tex., of the operating rights in Permits Nos. MC 87088 Sub 1 and MC 87088 Sub 4, issued by the Commission August 16, 1951, and June 16, 1959, respectively, to Abe Ross, doing business as Abe Ross Truck Line, Denison, Tex., authorizing the transportation, over irregular routes, of *prepared food products, materials, equipment, and supplies* used in, or in connection with, the preparation, packing and sale thereof, over irregular routes, between Garland, Tex., on the one hand, and on the other, five specified towns in Arkansas, six in Kansas, and 10 in Oklahoma, and between 10 specified Oklahoma cities on the one hand, and, on the other, 8 specified towns in Kansas. Reagan Sayers, 304 Century Life Building, Fort Worth 2, Tex., for applicants.

No. MC-FC 62712. By order of November 18, 1959, the Transfer Board approved the transfer to Crutcher Transfer Line, Inc., Louisville, Ky., of the operating rights in Certificate No. MC 38227, issued by the Commission November 12, 1940, to W. E. Crutcher, doing business as Crutcher Transfer Line, Louisville, Ky., authorizing the transportation, over a regular route, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Fort Knox, Ky., and Louisville, Ky. Stanley B. Mayer, 1205 Kentucky Home Life Building, Louisville 2, Ky., for applicants.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-9998; Filed, Nov. 25, 1959;  
8:46 a.m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 20, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

##### LONG-AND-SHORT HAUL

FSA No. 35841: *Kyanite—Clover, S. C., to Bloomfield, Conn.* Filed by O. W. South, Jr., Agent (SFA No. A3870), for interested rail carriers. Rates on kyanite, carloads, from Clover, S.C., to Bloomfield, Conn.

Grounds for relief: Commercial competition to additional destination in same territory.

Tariff: Supplement 63 to Southern Freight Association, Agent, tariff I.C.C. 1624.

FSA No. 35842: *Cement and related articles from Dundee, Mich., to Central and Illinois territories.* Filed by Traffic Executive Association—Eastern Railroads, Agent (CTR No. 2422), for interested rail carriers. Rates on cement, cement clinker, and dry building mortar, as described in the application, carloads, from Dundee, Mich., to specified points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

Grounds for relief: Short-line distance formula, grouping, and market competition.

Tariff: Supplement 19 to Traffic Executive Association—Eastern Railroads, Agent, tariff I.C.C. C-56.

FSA No. 35843: *Iron and steel articles to Mossville, La.* Filed by Southwestern Freight Bureau, Agent (No. B-7688), for interested rail carriers. Rates on iron and steel articles, carloads from specified points in Alabama, Colorado, Illinois, Minnesota, Missouri, Oklahoma, and Wisconsin to Mossville, La.

Grounds for relief: Commercial competition with Lake Charles, La.

Tariff: Supplement 75 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4308.

FSA No. 35844: *Hay—Kansas and Oklahoma points to points in the southwest and south.* Filed by Southwestern Freight Bureau, Agent (No. B-7687), for interested rail carriers. Rates on hay, carloads from specified points in Kansas and Oklahoma to specified points in Arkansas, Louisiana, Missouri, New Mexico, Mississippi, Oklahoma, Tennessee, and Texas.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 24 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4169, and three other schedules.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-9958; Filed, Nov. 24, 1959;  
8:47 a.m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 23, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

##### LONG-AND-SHORT HAUL

FSA No. 35845: *Wheat and flour to Beaumont and Orange, Tex.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 370), for interested rail carriers. Rates on wheat, and flour manufactured directly from wheat, carloads from specified points in Texas to Beaumont and Orange, Tex., for export.

Grounds for relief: Port competition with Port Arthur, Tex., and other Texas Gulf Ports.

Tariff: Supplement 29 to Texas-Louisiana Freight Bureau, Agent, tariff I.C.C. 899.

FSA No. 35846: *Lumber—Southeastern points to points in Arkansas and Missouri.* Filed by O. W. South, Jr., Agent (SFA No. A3869), for interested rail carriers. Rates on lumber and articles taking same rates, carloads from specified points in Alabama, Florida, Louisiana, and Mississippi to destinations in Arkansas and Missouri.

Grounds for relief: Grouping.

Tariffs: Supplement 116 to Southern Freight Association, Agent, tariff I.C.C. 1269. Supplement 5 to Southern Freight Association, Agent, tariff I.C.C. S-55.

FSA No. 35847: *Alcohols and acetates—New Orleans, La., to Illinois points.* Filed by O. W. South, Jr., Agent (No. A3867), for interested rail carriers. Rates on butyl alcohol, butyl and ethyl acetate, and acetone, tankcar loads from New Orleans, La., to Chicago and Lemont, Ill.

Grounds for relief: Commercial competition with related alcohols.

Tariff: Supplement 223 to Southern Freight Association, Agent, tariff I.C.C. 400 (Marque series).

FSA No. 35848: *Roofing and building materials between Illinois and southern territories.* Filed by O. W. South, Jr., Agent (SFA No. A3868), for interested rail carriers. Rates on roofing and building materials and related articles, carloads between points in Illinois territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula, grouping, operation through higher-rated intermediate territories and relief line arbitraries.

Tariff: Supplement 34 to Illinois Freight Association, Agent, tariff I.C.C. 919.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-9997; Filed, Nov. 25, 1959;  
8:46 a.m.]



# CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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